

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LOUISE SPIERING and RAY )  
SPIERING, husband and wife, )

Plaintiffs, )

V. )

GOVERNOR DAVE HEINEMAN, )  
in his individual capacity and official )  
capacity as Governor of the State of )  
Nebraska, ATTORNEY GENERAL )  
JON BRUNING, in his individual )  
capacity and official capacity as )  
Attorney General of the State of )  
Nebraska, NANCY MONTANEZ, in )  
her individual capacity and official )  
capacity as Director of the Nebraska )  
Department of Health and Human )  
Services, RICHARD RAYMOND, )  
M.D., in his individual capacity and )  
official capacity as Director of the )  
Nebraska Department of Health and )  
Human Services Department of )  
Regulation and Licensure, and JULIE )  
MILLER, in her individual capacity )  
and official capacity as Coordinator )  
of the Nebraska Department of )  
Health and Human Services Newborn )  
Screening Program, )

Defendants. )

4:04CV3385

**MEMORANDUM  
AND ORDER**

Pursuant to the telephone conference I conducted today with counsel,

IT IS ORDERED that:

1. If the parties can settle the attorney fee question, they shall do so no later than the close of business on Tuesday, October 3, 2006. If they settle this question, they shall advise me and I will then enter judgment accordingly.
2. If the parties cannot settle the attorney fee question, the plaintiffs shall file their application for fees with supporting materials and a brief by the close of business on Tuesday, October 3, 2006. The defendants shall have until Friday, October 13, 2006 to respond. In this event, the attorney fee question will be submitted on October 14, 2006, and the Court will resolve that question and enter judgment accordingly.

September 21, 2006.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge